

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Terry D. Ramsey,

Plaintiff,

vs.

Leanne Bertsch, et. al.,

Defendants.

)
)
)
)
)
)
)
)
)
)

ORDER

Case No. 1:11-cv-002

On January 18, 2011, plaintiff filed what the court construes as a motion for change of division assignment. This matter is presently venued in the Southwestern Division. Plaintiff requests that the matter be transferred to the Southeastern Division, the division designated by plaintiff in the caption of his complaint, because most of the defendants are located in the Southeastern Division.

Division assignments are governed by Local Civil Rule 3.1, which provides the following in relevant part:

All civil cases must be assigned to the division where the action arose or where the defendant resides, with the trial to be held within that division.

D.N.D. Civ. L.R. 3.1. It has generally been the court's policy to assign cases to the division in which the lead defendant resides.

The lead defendant in this case is Leanne Bertsch, Director North Dakota Department of Corrections and Rehabilitation. Director Bertsch resides in the Southwestern Division. Thus, this case has been properly assigned to the Southwestern Division. Plaintiff's motion for change of division assignment (Docket No. 5) is **DENIED**.

IT IS SO ORDERED.

Dated this 28th day of January, 2011.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge